

Marshall Ray Miller  
#249557  
Lieber Correctional Institution SB-56  
Post Office Box 205  
Ridgeville, South Carolina 29472-0205

October 9, 2014

Robert M. Dudek  
Chief Appellate Defender  
Division of Appellate Defense  
1330 Lady Street, Suite 401  
Post Office Box 11589  
Columbia, South Carolina 29211-1589

**RECEIVED**

OCT 14 2014

**S.C. SUPREME COURT**

**Re:** *Marshall Ray Miller v. State*  
**Appellate Case No. 2013-001076**

Dear Mr. Dudek:

I am writing in regards to the Supplemental Appendix you sent me in the September 26, 2014 correspondence. Two days ago, I sent you correspondence regarding omissions from the Supplemental Appendix, the need for those documents, and who was responsible for obtaining and providing the documents. This correspondence addresses a separate matter regarding the Supplemental Appendix.

On August 7, 2014, I sent you correspondence (attached) that requested documents to be included in the Appendix. Enclosed with that correspondence were documents I requested to be included based on their relevance to issues raised. On the 2006 Protection Order that arrived at Lieber with the Grand Jury materials was a handwritten note by Martha Gilmore, the Classification Manager at Lieber, stating, "*There is nothing I can do or should do in this matter*". The relevance is obvious to the issue. The State asserted and Judge McIntosh (PCR) relied upon the assertion, that I had access to those materials at the institution. I think it is imperative for *that copy* of the January 6, 2006 Protection Order to be included in the Supplemental Appendix (enclosed).

As usual, your assistance has been invaluable.

Sincerely,

*Marshall R. Miller*

Marshall Ray Miller

**ENCLOSURES** – as noted

Cc: The Honorable Daniel E. Shearouse (without enclosures)  
Ashley A. McMahan, Esquire (without enclosures)

Marshall Ray Miller  
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October 6, 2014

Robert M. Dudek  
Chief Appellate Defender  
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1330 Lady Street, Suite 401  
Post Office Box 11589  
Columbia, South Carolina 29211-1589

**Re:** *Marshall Ray Miller v. State*  
**Appellate Case No. 2013-001076**

Dear Mr. Dudek:

I am in receipt of your September 26, 2014 correspondence regarding material requested to be included in the Supplemental Appendix.

First, please notify me as soon as you hear from Kim Varner regarding the written plea agreement.

Second, the purpose of the May 15, 2003 bond hearing transcript is that is the proceeding in which Ms. Evans originally changed her position regarding the plea offer and substantiates that Kim Varner was cognizant at that time and should have diligently pursued the written agreement issue at that time. This of course corresponds with Question #7 this petition will present. Is this transcript obtainable by your office?

Third, you stated that there is no transcript of the audio CD of the October 10, 2007 oral arguments before the Supreme Court and questioned whether or not that CD was properly before the PCR Court. Per your correspondence instructions, I am informing you that the appellate CDs were properly before the PCR Court (See Appendix pages 2008 – 2009 and 2014) and are entirely relevant to the same Question #7, above.

Fourth, the Supplemental Appendix does contain a copy of the January 6, 2006 Protective Order by Judge Saunders (Supp. App. 14 – 16). However, I was also requesting a copy of the **original** Protective Order from 2003, which you did not address in your September 26, 2014 correspondence. Please notify me concerning this document as well.

MILLER, Marshall Ray  
Appellate Case No. 2013---1076  
October 6, 2014  
PAGE TWO

Finally, you stated I should petition the Court asking for the inclusion of the documents you question. I believe this would be a futile effort where the Court's May 12, 2014 Order granting me leave to proceed *pro se* and associate the Commission of Appellate Defense "...for the limited purpose of *obtaining and paying for any necessary transcript(s) and records* and providing copies..."

As usual, your assistance has been invaluable.

Sincerely,

*Marshall R Miller*

Marshall Ray Miller

Cc: The Honorable Daniel E. Shearouse  
Ashley A. McMahan, Esquire

Marshall Ray Miller  
#249557  
Lieber Correctional Institution SB-56  
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Ridgeville, South Carolina 29472-0205

August 7, 2014

Robert M. Dudek  
Chief Appellate Defender  
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1330 Lady Street, Suite 401  
Post Office Box 11589  
Columbia, South Carolina 29211-1589

**Re:** *Marshall Ray Miller v. State*  
Appellate Case No. 2013-001076

Dear Mr. Dudek:

This is in regards to your July 14, 2014 correspondence and receipt of the PCR transcript. Below is a list of the remaining documents that I believe are necessary for the determination of this case. I have broken them into two categories, those that I have in my possession and am sending a copy enclosed with this correspondence, and those that I require you to obtain:

**Documents I am enclosing for inclusion:**

1. Extradition documents regarding the jurisdiction argument containing state and federal sentencing;
2. Rule 59(e) Motion stamped by Mr. Compton's office but not submitted for consideration;
3. November 3, 2006 Motion to Rescind Sealed Order; and
4. Letter from Appellate Defense to me regarding Judge Saunders' understanding of the protection order in question and when the order will be lifted. This letter appears to be in response, as it mentions, item number 3, above.

**Documents I am requesting for inclusion:**

1. May 15, 2003 Bond Hearing transcript (this was the third bond hearing with plea discussions);
2. The 2003 Protection Order (1<sup>st</sup>/original protection order) regarding discovery by Judge Saunders;
3. Written plea agreement by Jennifer Evans; and
4. Transcript of October 10, 2007 oral arguments before the South Carolina Supreme Court.

Thank you for your assistance in this matter.

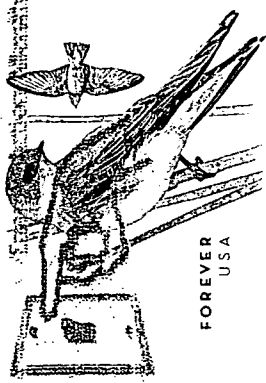
Sincerely,

*Marshall R. Miller*

Marshall Ray Miller

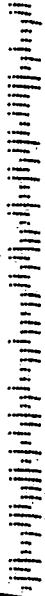
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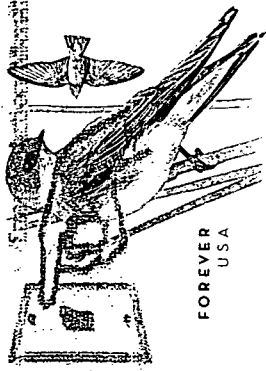
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**THIS ENVELOPE IS**

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OCT 2014 PM 2 11



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Supreme Court of South Carolina

Clerk of Court

Daniel E. Shearouse

P.O. Box 11330

Columbia, S.C.

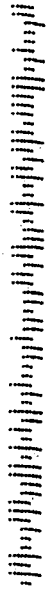
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OCT 10 2014

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